

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

PAUL BIRCHMAN and  
KATHY BIRCHMAN

Plaintiff,

V.

UNITED STATES OF AMERICA,

Defendant.

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CASE NUMBER: 1:19 CV 0128-HAB

## OPINION AND ORDER

This matter is before the Court subsequent to an Opinion and Order entered on January 6, 2021, wherein the Court directed the Plaintiffs to show cause why this case should not be dismissed for failure to prosecute and failure to comply with the discovery process. (ECF No. 21). Plaintiffs were ordered to respond on or before January 20, 2021, and were warned that a failure to respond would result in dismissal of the action without further notice. The time to respond has now passed with no response from the Plaintiffs. Accordingly, the Defendant's Motion to Dismiss Plaintiffs' Complaint for Failure to Prosecute (ECF No. 19) is GRANTED. The CLERK is directed to DISMISS this case and enter judgment in favor of the Defendant.

SO ORDERED on January 22, 2021.

s/ *Holly A. Brady*

JUDGE HOLLY A. BRADY

UNITED STATES DISTRICT COURT